
HOUSE BILL 2623

State of Washington

60th Legislature

2008 Regular Session

By Representatives Hurst and Roach

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1 AN ACT Relating to charges for storm water control; amending RCW
2 36.89.080, 36.94.140, and 86.15.160; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 recognize that working farmland contributes to aquifer recharge and
6 that, as such, agricultural lands should not be penalized for
7 contributing to a problem that they help solve. Furthermore, it is the
8 intent of the legislature to keep lands in agricultural production and
9 protect the environment. Therefore, removing the authority to collect
10 the fees and charges as reflected in this act will assist citizens in
11 keeping productive farmland.

12 **Sec. 2.** RCW 36.89.080 and 2003 c 394 s 3 are each amended to read
13 as follows:

14 (1) Subject to subsections (2) and (3) of this section, any county
15 legislative authority may provide by resolution for revenues by fixing
16 rates and charges for the furnishing of service to those served or
17 receiving benefits or to be served or to receive benefits from any

1 storm water control facility or contributing to an increase of surface
2 water runoff. In fixing rates and charges, the county legislative
3 authority may in its discretion consider:

4 (a) Services furnished or to be furnished;

5 (b) Benefits received or to be received;

6 (c) The character and use of land or its water runoff
7 characteristics;

8 (d) The nonprofit public benefit status, as defined in RCW
9 24.03.490, of the land user;

10 (e) Income level of persons served or provided benefits under this
11 chapter, including senior citizens and (~~disabled persons~~) individuals
12 with disabilities; or

13 (f) Any other matters which present a reasonable difference as a
14 ground for distinction.

15 (2) The rate a county may charge under this section for storm water
16 control facilities shall be reduced by a minimum of ten percent for any
17 new or remodeled commercial building that utilizes a permissive
18 rainwater harvesting system. Rainwater harvesting systems shall be
19 properly sized to utilize the available roof surface of the building.
20 The jurisdiction shall consider rate reductions in excess of ten
21 percent dependent upon the amount of rainwater harvested.

22 (3) Rates and charges authorized under this section may not be
23 imposed on lands taxed as forest land under chapter 84.33 RCW (~~or~~),
24 as timber land under chapter 84.34 RCW, or property that is at least
25 twenty-five percent operating farmland as defined in RCW 7.48.310.

26 (4) The service charges and rates collected shall be deposited in
27 a special fund or funds in the county treasury to be used only for the
28 purpose of paying all or any part of the cost and expense of
29 maintaining and operating storm water control facilities, all or any
30 part of the cost and expense of planning, designing, establishing,
31 acquiring, developing, constructing and improving any of such
32 facilities, or to pay or secure the payment of all or any portion of
33 any issue of general obligation or revenue bonds issued for such
34 purpose.

35 **Sec. 3.** RCW 36.94.140 and 2005 c 324 s 2 are each amended to read
36 as follows:

37 (1) Every county, in the operation of a system of sewerage and/or

1 water, shall have full jurisdiction and authority to manage, regulate,
2 and control it. Except as provided in subsection (3) of this section,
3 every county shall have full jurisdiction and authority to fix, alter,
4 regulate, and control the rates and charges for the service and
5 facilities to those to whom such service and facilities are available,
6 and to levy charges for connection to the system.

7 (2) The rates for availability of service and facilities, and
8 connection charges so charged must be uniform for the same class of
9 customers or service and facility. In classifying customers served,
10 service furnished or made available by such system of sewerage and/or
11 water, or the connection charges, the county legislative authority may
12 consider any or all of the following factors:

13 (a) The difference in cost of service to the various customers
14 within or without the area;

15 (b) The difference in cost of maintenance, operation, repair and
16 replacement of the various parts of the systems;

17 (c) The different character of the service and facilities furnished
18 various customers;

19 (d) The quantity and quality of the sewage and/or water delivered
20 and the time of its delivery;

21 (e) Capital contributions made to the system or systems, including,
22 but not limited to, assessments;

23 (f) The cost of acquiring the system or portions of the system in
24 making system improvements necessary for the public health and safety;

25 (g) The nonprofit public benefit status, as defined in RCW
26 24.03.490, of the land user; and

27 (h) Any other matters which present a reasonable difference as a
28 ground for distinction.

29 (3) The rate a county may charge under this section for storm or
30 surface water sewer systems or the portion of the rate allocable to the
31 storm or surface water sewer system of combined sanitary sewage and
32 storm or surface water sewer systems shall be reduced by a minimum of
33 ten percent for any new or remodeled commercial building that utilizes
34 a permissive rainwater harvesting system. Rainwater harvesting systems
35 shall be properly sized to utilize the available roof surface of the
36 building. The jurisdiction shall consider rate reductions in excess of
37 ten percent dependent upon the amount of rainwater harvested. A county

1 may not charge any fee relating to storm water control to landowners
2 with at least twenty-five percent of their land operating as farmland,
3 as defined in RCW 7.48.310.

4 (4) A county may provide assistance to aid low-income persons in
5 connection with services provided under this chapter.

6 (5) The service charges and rates shall produce revenues sufficient
7 to take care of the costs of maintenance and operation, revenue bond
8 and warrant interest and principal amortization requirements, and all
9 other charges necessary for the efficient and proper operation of the
10 system.

11 (6) A connection charge under this section for service to a
12 manufactured housing community, as defined in RCW 59.20.030, applies to
13 an individual lot within that community only if the system of water or
14 sewerage provides and maintains the connection.

15 **Sec. 4.** RCW 86.15.160 and 2003 c 394 s 8 are each amended to read
16 as follows:

17 For the purposes of this chapter the supervisors may authorize:

18 (1) An annual excess ad valorem tax levy within any zone or
19 participating zones when authorized by the voters of the zone or
20 participating zones under RCW 84.52.052 and 84.52.054;

21 (2) An assessment upon property, including state property,
22 specially benefited by flood control improvements or storm water
23 control improvements imposed under chapter 86.09 RCW;

24 (3) Within any zone or participating zones an annual ad valorem
25 property tax levy of not to exceed fifty cents per thousand dollars of
26 assessed value when the levy will not take dollar rates that other
27 taxing districts may lawfully claim and that will not cause the
28 combined levies to exceed the constitutional and/or statutory
29 limitations, and the additional levy, or any portion thereof, may also
30 be made when dollar rates of other taxing units is released therefor by
31 agreement with the other taxing units from their authorized levies;

32 (4) A charge, under RCW 36.89.080, for the furnishing of service to
33 those who are receiving or will receive benefits from storm water
34 control facilities and who are contributing to an increase in surface
35 water runoff. Property that is at least twenty-five percent operating
36 farmland, as defined in RCW 7.48.310, is exempt from county storm water
37 charges. The rate or charge imposed under this section shall be

1 reduced by a minimum of ten percent for any new or remodeled commercial
2 building that utilizes a permissive rainwater harvesting system.
3 Rainwater harvesting systems shall be properly sized to utilize the
4 available roof surface of the building. The jurisdiction shall
5 consider rate reductions in excess of ten percent dependent upon the
6 amount of rainwater harvested;

7 (5) Except as otherwise provided in RCW 90.03.525, any public
8 entity and public property, including the state and state property,
9 shall be liable for the charges to the same extent a private person and
10 privately owned property is liable for the charges, and in setting
11 these rates and charges, consideration may be made of in-kind services,
12 such as stream improvements or donation of property;

13 (6) The creation of local improvement districts and utility local
14 improvement districts, the issuance of improvement district bonds and
15 warrants, and the imposition, collection, and enforcement of special
16 assessments on all property, including any state-owned or other
17 publicly-owned property, specially benefited from improvements in the
18 same manner as provided for counties by chapter 36.94 RCW.

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